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6                   **IN THE UNITED STATES DISTRICT COURT**  
7                   **FOR THE DISTRICT OF ARIZONA**

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9      Center for Biological Diversity, et al.,

No. CV-24-00031-PHX-DJH

10         Plaintiffs,

**ORDER**

11         v.

12      United States Forest Service, et al.,

13         Defendants.

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15      The Salt River Wild Horse Management Group (“Salt River”) and American Wild  
16 Horse Conservation (“American”) (collectively, the “proposed intervenors”) have filed a  
17 Motion to Intervene as Defendants in this matter. (Doc. 18). The proposed intervenors  
18 also filed a request for voluntary reassignment under Local Rule of Civil Procedure 42.1  
19 (the “Request”). (Doc. 19). Plaintiffs Center for Biological Diversity, Maricopa Audubon  
20 Society, Arizona Wildlife Federation, Arizona Deer Association, and the Arizona Bighorn  
21 Sheep Society (“Plaintiffs”) filed a response to the Request (Doc. 20) and the proposed  
22 intervenors filed a reply (Doc. 21). For the following reasons, the Court will voluntarily  
23 reassign this case.

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**I.      Background**

25      On January 5, 2024, Plaintiffs filed a Complaint against the United States Forest  
26 Service and Neil Bosworth, acting in his official capacity as a supervisor (“Defendants”)  
27 for violations of the National Environmental Policy Act (“NEPA”) and the Administrative  
28 Procedure Act (“APA”). (Doc. 1 at 13–14). Plaintiffs noted in their civil cover sheet

1 attached to their Complaint that this case was related to another case that was then pending  
 2 in this district before Judge Teilborg: *Center for Biological Diversity et al v. United States*  
 3 *Forest Service et al*, 2:23-cv-0715-JAT (the “Related Case”). (Doc. 1-1 at 2). The  
 4 complaint in that case was filed on April 27, 2023. *Center for Biological Diversity et al v.*  
 5 *United States Forest Service et al*, 2:23-cv-0715-JAT, ECF No. 1 (D. Ariz. Apr. 27, 2023).  
 6 The Related Case involved substantially similar parties; the same proposed intervenors also  
 7 filed a Motion to Intervene as Defendants there. *See id.* at ECF No. 19 (D. Ariz. Aug. 3,  
 8 2023). As in this matter, Plaintiffs similarly alleged Defendants violated the NEPA and  
 9 the APA. *Id.* at ECF No. 1 at 11–12. On October 31, 2023, Judge Teilborg granted  
 10 Defendants’ Motion to Dismiss in part, but granted Plaintiffs leave to amend. *Id.* at ECF  
 11 No. 25. Plaintiffs did not amend their complaint and the case was thus terminated on  
 12 December 6, 2023. (Doc. 26). Plaintiffs subsequently filed the instant case, which was  
 13 assigned to this Court. (*Id.*)

14 **II. Discussion**

15 The proposed intervenors ask the Court to transfer this case to Judge Teilborg as  
 16 five of the six factors to consider enumerated in Local Rule<sup>1</sup> 42.1(e) “strongly counsel in  
 17 favor of such voluntary transfer.” (Doc. 19 at 3). Plaintiffs do not argue for or against  
 18 transfer, but state that they expected this case would be assigned to Judge Teilborg since  
 19 they noted the related case in their Complaint. (Doc. 20 at 3).

20 Local Rule 42.1 sets forth the applicable standards for transferring or consolidating  
 21 cases within the District of Arizona. A party may file a motion to transfer a case to be  
 22 heard by a single Judge. Here, as noted by Plaintiffs, the proposed intervenors are not yet  
 23 parties in this matter. LRCiv 42.1(a). The proposed intervenors instead request that the  
 24 Court voluntarily transfer this case to Judge Teilborg. (Doc. 19). In the District of Arizona,  
 25 a Judge may transfer a case to another Judge with that Judge’s consent and with notice to  
 26 the Chief Judge in any of the following circumstances:

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28 <sup>1</sup> Unless otherwise noted, all references to Local Rules are to the Arizona District Court  
 Local Rules of Civil Procedure.

1                     (1) If the transferee Judge previously adjudicated a case that:

2                         (A) arose from substantially the same transaction or event;

3                         (B) involved substantially the same parties or property;

4                         (C) involved the same patent, trademark, or copyright; or

5                         (D) called for the determination of substantially the same questions of

6                         law;

7                     (2) For any other reason which would entail substantial duplication of labor

8                         if heard by the transferor Judge; or

9                     (3) For reasons of judicial economy and the availability of judicial resources.

10                     LRCiv 42.1(e). District courts should also construe and administer the Federal Rules of  
 11 Civil Procedure “to secure the just, speedy, and inexpensive determination of every action  
 12 and proceeding.” Fed. R. Civ. P. 1.

13                     The Court concludes that voluntary transfer is proper here. In the instant case,  
 14 Plaintiffs allege in their Complaint that Defendants’ “association with, and approval of, the  
 15 2023 Salt River Horse Management Plan constitutes major federal action” which “may  
 16 significantly impact the quality of the environment because it authorizes management of  
 17 the Salt River horse herd that has led to, and will lead to, severe degradation of the riparian  
 18 area where the horses live.” (Doc. 1 at 13–14). These allegations mirror, verbatim, the  
 19 allegations set forth in the Related Case. *Center for Biological Diversity et al*, 2:23-cv-  
 20 0715-JAT, ECF No. 1 at 12. From this, the Court finds that Plaintiffs raise substantially  
 21 similar claims arising from substantially the same transaction or event and involving  
 22 substantially the same parties which calls for the determination of substantially the same  
 23 questions of law. *See* LRCiv 42.1(e); *compare* 23-CV-0715-JAT, ECF No. 1 at 11–12 with  
 24 Doc. 1 at 13–14. Furthermore, Plaintiffs do not oppose transfer and state that they expected  
 25 this case would be assigned to Judge Teilborg since they noted the related case in their  
 26 Complaint. (Doc. 20 at 3). Moreover, Judge Teilborg has already decided a Motion to  
 27 Dismiss in this case regarding substantially similar questions of law and further  
 28 adjudication of this case would involve duplication of labor if heard by this Court. LRCiv  
 42.1(e)(3).

Upon consultation with and consent from Judge Teilborg, and consideration of the factors in Local Rule 42.1(e), the undersigned will transfer this case to Judge Teilborg.

Accordingly,

**IT IS ORDERED** that the Clerk of Court shall transfer this case (24-CV-0031-PHX-DJH) to Judge Teilborg (who has consented to this transfer) pursuant to Local Rule Civil 42.1(e). The case shall then bear the case number 24-CV-0031-PHX-JAT.

**IT IS FINALLY ORDERED** that all other motions shall remain pending before Judge Teilborg.

Dated this 17th day of May, 2024.

  
Honorable Diane J. Humetewa

Honorable Diane J. Humetewa  
United States District Judge